

UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ROBERT J. YATKA,  
DONALD J. TOWNSEND, SONYA S. JOHNSON,  
MICHAEL J. GREENBERG and DANIEL J. SITLER

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Application 10/712,114

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on June 26, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that appellants filed an Appeal Brief on March 20, 2006. In response, an Examiner's Answer was mailed on April 6, 2006.

The "Grounds of Rejection" section appearing on page 3 of the Examiner's Answer states:

Claims 6, 11, 24-27, 30 and 31 stand rejected under 35 U.S.C. 103(a). This rejection is fully set forth in prior Office action, Paper No. 081104, paragraph no. 7. . . .

Claims 6, 11, 24-27, 30 and 31 also stand rejected under 35 U.S.C. 103(a). This rejection is fully set forth in prior Office action, Paper No. 070505.

Section § 1207.02 of the Manual of Patent Examining Procedure (MPEP)

(8<sup>th</sup> Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(9) Grounds of Rejection. For each ground of rejection maintained by the examiner and each new ground of rejection (if any), an explanation of the ground of rejection.

. . . .

(d) For each rejection under 35 U.S.C. 103, the examiner's answer must:

(i) state the ground of rejection and point out where each of the specific limitations recited in the rejected claims is found in the prior art relied on in the rejection,

(ii) identify the differences between the rejected claims and the prior art relied on (i.e., the primary reference), and

(iii) explain why it would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified the primary reference to arrive at the claimed subject matter.

Section 1207.02 further states:

If there is a complete and thorough development of the issues at the time of final rejection, it is possible to save

time in preparing the examiner's answer required by 37 CFR 41.39 by copying a rejection from a prior Office action and then pasting the copied rejection into the Answer. An examiner's answer should not refer, either directly or indirectly, to any prior Office action without fully restating the point relied on in the answer.

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a revised Examiner's Answer which corrects the "Ground of Rejection" section; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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